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*NOT ADMITTED TO THE NEW YORK BAR

By ECFHon. Valerie E. Caproni
United States District Judge
United States Courthouse
40 Foley Square
New York, New York 10007*Berdeaux v. OneCoin Ltd., et al.,*
No. 19-cv-4074-VEC (S.D.N.Y.)

Dear Judge Caproni:

We represent Defendant The Bank of New York Mellon Corporation (“BNYM”) in this matter and write respectfully to request an extension of time for BNYM to respond to the Second Amended Class Action Complaint (the “SAC”). This is BNYM’s first request for an extension of time.

Although this lawsuit was first filed in 2019, and other parties have previously engaged in motion practice, BNYM was first added as a defendant in the SAC, which was filed on September 24, 2020. BNYM was served with the SAC on October 7, 2020, and Paul, Weiss was just retained as counsel two days ago. Under Federal Rule of Civil Procedure 12, BNYM’s current deadline to answer, move to

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Hon. Valerie E. Caproni

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dismiss, or otherwise respond to the SAC is October 28, 2020. We understand that, prior to service upon newly-added defendant BNYM, the Court ordered defendants to answer, move to dismiss, or otherwise respond to the SAC by October 26, 2020, and that this schedule remains effective for the other defendants. (*See* September 28, 2020 Order, ECF No. 126.)

We respectfully submit that an extension of time for BNYM to respond to the SAC is necessary to provide sufficient time for BNYM and its counsel to review and analyze the 65-page, 280-paragraph complaint, which asserts 11 causes of action against numerous defendants based on allegations spanning a putative four-year-long class period. While BNYM is not named in every count, plaintiffs contend that BNYM aided and abetted a globe-spanning cryptocurrency fraud, which requires BNYM to review and analyze both the allegations supporting the underlying fraud claim as well as the allegations that BNYM purportedly provided substantial assistance to the purported fraudulent scheme.

BNYM respectfully requests an extension until December 21, 2020 (60 days from today) to answer, move to dismiss, or otherwise respond to the SAC. In the event that BNYM moves to dismiss the SAC, as we anticipate, BNYM proposes that plaintiffs' opposition brief be due on February 4, 2021 (45 days later) and that BNYM's reply brief be due on March 8, 2021 (30 days later). We have conferred with counsel for Plaintiffs, who advise that they do not oppose this proposal, if it meets with the Court's approval.

We appreciate Your Honor's consideration of this request.

Respectfully submitted,

/s/ Audra J. Soloway

Audra J. Soloway

Application GRANTED. Defendant BNYM's time to respond to the Second Amended Complaint is extended to **December 21, 2020**. No further extensions will be granted. To the extent Defendant BNYM moves to dismiss the SAC, Plaintiffs' response shall be due not later than **February 4, 2021**, and Defendant BNYM's reply shall be due not later than **March 8, 2021**.

SO ORDERED.



10/22/2020

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE